

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

|  |   |                                 |
|--|---|---------------------------------|
| In re Patent Application of:             | ) |                                 |
| Toong                                    | ) | Confirmation No. 3770           |
|  | ) |                                 |
| Application No.: 09/454,457              | ) | Art Unit: 2171                  |
|  | ) |                                 |
| Filed: 12/03/99                          | ) | Examiner: Sana A. Al Hashemi    |
|  | ) |                                 |
| For: <b>INTELLECTUAL PROPERTY SYSTEM</b> | ) | <b><u>FILED VIA EFS-WEB</u></b> |

**PETITION UNDER 37 CFR 1.137(b)**

COMMISSIONER FOR PATENTS  
 Mail Stop Petitions  
 PO Box 1450  
 Alexandria, VA 22313-1450

Dear Sir:

Assignee hereby petitions the Office to revive U.S. Patent Application Serial No. 09/454,457; the patent application was unintentionally abandoned with a claim for priority. Therefore, the purpose of the revival is so that the claim for priority may be added. In addition, Assignee is also filing accompanying petitions to the Office to accept an unintentionally delayed claim for priority in 09/454,457 and to accept an unintentionally delayed claim for priority in 11/624,918.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the USPTO. Instead, a continuation application was filed. The date of abandonment is the day after the expiration of the period set for reply in the office notice or action plus any extensions of time actually obtained.

As required by 37 CFR 1.137(b), for the current petition, Assignee hereby states that the entire delay in filing the priority claim was unintentional. The priority claim as omitted from the above-identified application was in error and in good faith with no deceptive intent. Assignee therefore would like to revive the application for the sole purpose of entering a priority claim.

This petition is accompanied by an amendment for the above-identified application correcting the claim for priority. Also, in compliance with 37 CFR 1.137, this petition is accompanied by the fee set forth in 37 CFR 1.17(m).

**CONCLUSION**

In view of the foregoing, it is respectfully requested that this renewed petition be granted, along with the accompanying petitions, and that the accompanying amendment be entered in the above-identified patent application. If the Examiner has any questions, he is invited to contact the undersigned at (503) 439-6500.

Please charge any shortages and credit any overcharges of any fees required for this submission to Deposit Account number 50-3130.

Respectfully submitted,

Dated: 10/14/08

/Howard Skaist/  
Howard Skaist, Attorney for Assignee  
USPTO Reg. No. 36,008

Customer No. 43831  
Berkeley Law & Technology Group, LLP  
17933 NW Evergreen Parkway, Suite 250  
Beaverton, OR 97006  
503-439-6500